

Judicial District Court of Texas, permission to be absent from the State.

H. C. R. No. 29, Expressing the gratitude and appreciation of the House and Senate to Mr. and Mrs. Lutch Stark of Orange, Texas, for the gift of the Miriam Lutch Stark Art Collection.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Concurrent Resolution No. 28.

The following resolution, received from the House today, was laid before the Senate:

H. C. R. No. 28, Granting Judge T. O. Davis leave of absence from the State.

On motion of Senator Hill and by unanimous consent, the rule requiring concurrent resolutions to be referred to a committee was suspended to permit consideration of the resolution at this time.

The resolution was adopted.

House Concurrent Resolution No. 29.

The following resolution, received from the House today, was laid before the Senate:

H. C. R. No. 29, Thanking Mr. and Mrs. H. J. Lutch Stark for the gift of Miriam Lutch Stark Art Collection to the University of Texas.

On motion of Senator Shivers and by unanimous consent, the rule requiring concurrent resolutions to be referred to a committee was suspended to permit consideration of the resolution at this time.

The resolution was adopted.

Adjournment.

On motion of Senator Burns, the Senate, at 12:15 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

Reports of Standing Committee.

Committee Room,
Austin, Texas, Feb. 5, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 19 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,
Austin, Texas, Feb. 5, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 20 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,
Austin, Texas, Feb. 5, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 21 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,
Austin, Texas, Feb. 8, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 24 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

NINETEENTH DAY.

(Tuesday, February 9, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin.	Nelson.
Brownlee.	Newton.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.

The following Senators were absent and excused:

Beck.	Sulak.
Rawlings.	Van Zandt.
Spears.	

A quorum was announced present.
The invocation was offered by Hon. Jasper N. Reed, member of the House of Representatives.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Roberts.

Leaves of Absence Granted.

Senator Beck was granted leave of absence for today on account of important business, on motion of Senator Head.

Senators Rawlings, Van Zandt and Spears were granted leaves of absence for today on account of important committee work, on motion of Senator Neal.

Senator Sulak was granted leave of absence for today on account of illness, on motion of Senator Hill.

Reports of Standing Committees.

Reports on Senate Bills Nos. 219 and 216 were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

Senate Bills on First Reading.

The following Senate bills were introduced, read severally first time, and referred to appropriate committees as indicated:

By Senator Redditt:

S. B. No. 224, A bill to be entitled "An Act to amend Article 392 of the Revised Civil Statutes of Texas as amended by Chapter 6 of the Acts of the Forty-fourth Legislature at the Regular Session and providing for the addition of securities guaranteed by Titles III and IV of the National Housing Act enacted by the Congress of the United States and approved by the President, June 27, 1934, as lawful investments by State banks, and declaring an emergency."

Referred to Committee on Banking.

By Senator Spears:

S. B. No. 225, A bill to be entitled "An Act to create an additional criminal district court for the county of Bexar, to be known as Criminal District Court No. 2, of Bexar County; and to provide for district, jurisdiction, and organization of, and procedure in said court; to provide for the transferring and docketing of cases, and to provide for the trial and disposition of causes during the absence of either judge; to provide for the appointment and election,

qualification, duties, powers and compensation of a judge thereof; etc., and declaring an emergency."

Referred to Committee on Judicial Districts.

By Senator Winfield:

S. B. No. 226, A bill to be entitled "An Act to increase the police powers of all incorporated cities and towns and authorizing such cities and towns to, by suitable ordinance, regulate, supervise, control and license all persons, firms or corporations engaged, primarily or incidentally, in the business of buying, selling or dealing in used motor vehicles or parts thereof or accessories within the corporate limits of such city or town; providing that if any part of this Act is declared unconstitutional such decision shall not affect the validity of the remaining portion of the Act, and declaring an emergency."

Referred to Committee on Towns and City Corporations.

By Senator Nelson:

S. B. No. 227, A bill to be entitled "An Act amending Section 17 of Article 2815h of the Revised Civil Statutes of the State of Texas, as amended by the Regular Session of the Forty-fourth Legislature, 1935, governing the creation of junior colleges, by adding thereto a new subsection to be numbered Section 17(a) providing that a proposed district may have less than seven thousand (7,000) scholastic enrollment but not less than five thousand (5,000), provided the site of such college is more than seventy-five (75) miles from any other junior or senior college supported by public taxes and provided that the State Board of Education finds that the proposed district is in a growing section and that there is a public convenience and necessity for such junior college, and declaring an emergency."

Referred to Committee on Educational Affairs.

By Senator Shivers:

S. B. No. 228, A bill to be entitled "An Act providing for the erection and construction of a State office building; providing for the location of said building and the purchase of a suitable site; authorizing the State Board of Control to plan and supervise or erect said building; appropriating the sum of one mil-

lion, five hundred thousand dollars (\$1,500,000.00) or so much thereof as may be necessary, and declaring an emergency."

Referred to Committee on Finance.

By Senator Shivers:

S. B. No. 229, A bill to be entitled "An Act to amend Article 4473 of the Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Committee on Public Health.

By Senator Shivers:

S. B. No. 230, A bill to be entitled "An Act to amend Article 709 of the Penal Code of 1925, and declaring an emergency."

Referred to Committee on Public Health.

By Senator Pace:

S. B. No. 231, A bill to be entitled "An Act amending Section 8 of Article 5421c of the Revised Civil Statutes of Texas, same being Acts 1931, Forty-second Legislature, Regular Session, page 452, Chapter 271, by

providing that the Commissioner of the General Land Office or any person, corporation, assignee or leaseholder holding a contract with the State of Texas for the development of the oil and gas resources in State-owned islands, salt water lakes, bays, inlets, marshes and reefs within tidewater limits, and that part of the Gulf of Mexico within the jurisdiction of Texas, is granted the right of eminent domain and condemnation as provided by the General Laws of this State for said purpose of securing necessary right of way and land for the development of minerals in such islands, salt water lakes, bays, inlets, marshes and reefs within tidewater limits, and that part of the Gulf of Mexico within the jurisdiction of Texas; and providing that in all condemnation proceedings the mineral rights of the condemned party shall be superior to the surface rights of the condemning party, etc., and declaring an emergency."

Referred to Committee on Public Lands and Land Office.

Schedule of Committee Meetings.

Senator Pace submitted at this time the following proposed schedule of committee meetings as suggested by committee chairmen:

Committee.	Chairman.	Time.
Finance.....	Redditt.....	M.-W., 2 p. m.
Constitutional Amendments.....	Moore.....	M., 3:30 p. m.
Insurance.....	Collie.....	M., 7:30 p. m.
State Affairs.....	Pace.....	T.-Th., 2 p. m.
Civil Jurisprudence.....	Small.....	T.-Th., 3:30 p. m.
Criminal Jurisprudence.....	Stone.....	Tues., 7:30 p. m.
State Highways and Motor Traffic.....	Rawlings.....	Wed., 7:30 p. m.
Labor.....	Shivers.....	Thurs., 7:30 p. m.
All other committees.....	Subject to the call of the Chairmen.	

On motion of Senator Pace and by unanimous consent, the proposed schedule was adopted as the official schedule of meetings to be held by the several standing committees of the Senate.

Senate Bill No. 169 Re-referred.

On motion of Senator Davis, S. B. No. 169 was re-referred from the Committee on State Affairs to the Committee on Agriculture.

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives, Austin, Texas, Feb. 9, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 150, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to lease for

oil and/or gas and/or sulphur and/or other mineral development all lands under its control; authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to invest funds accruing from the lease or sale of oil and/or gas and/or sulphur and/or other minerals; prescribing the mode and manner of said oil and/or gas and/or sulphur and/or other mineral leases on said land; providing for setting up any funds accruing as a permanent fund and appropriating the income therefrom; providing certain restrictions therein; making an appropriation to defray the expenses of said Board in executing the provisions of this Act, and declaring an emergency."

H. B. No. 293, A bill to be entitled "An Act to amend Article 3875 (5898), Title 60, Revised Civil Statutes of the State of Texas, 1925, to provide for the use of funds collected under this title for research and research facilities relating to the administration of the Feeding Stuff Law and for other purposes, and declaring an emergency."

H. B. No. 280, A bill to be entitled "An Act authorizing, empowering and directing the board of county and district road indebtedness created by Chapter 13, Article 6674Q-1 et seq., Acts of the Third Called Session of the Forty-second Legislature, to make allowance to Henderson County, Texas, as a credit upon its outstanding road indebtedness of the amount of \$60,669.56 and to increase the state aid effective as of January 1st, 1933, to Henderson County, Texas, to make payment of such allowance, and declaring an emergency."

S. C. R. No. 23, Providing for the appointment of a joint committee of the House and Senate to investigate the price of crude oil in the western and northwestern sections of the State in relation to the royalties received by certain State institutions.

In compliance with the provisions of H. C. R. No. 26 the following members have been appointed on the part of the House to arrange for the celebration of the 101st anniversary of the signing of the Texas Declaration of Independence in joint session of the House and Senate: Messrs. McConnell, Stinson.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Resolution No. 26.

Senator Holbrook called up from the President's table, for consideration at this time:

S. R. No. 26, Relative to an increase of the membership of the Supreme Court of the United States; the resolution having been offered and read on yesterday and having been tabled subject to call at that time.

Senator Moore offered the following substitute for the resolution:

Whereas, The President of these United States on Friday, February 5, 1937, delivered to Congress his message, wherein he proposed that Congress pass legislation which would, in effect, grant unto the President the power to appoint immediately six additional Justices of the Supreme Court of these United States; and

Whereas, We believe that such legislation would not be to the best interest of the people of Texas or of these United States; now, therefore, be it

Resolved by the Senate of Texas that the Senators and Representatives of Congress from the State of Texas are hereby respectfully requested to lend their influence and cast their votes against the passage of such proposed legislation; and be it further

Resolved, That a copy of this Resolution be furnished each of our United States Senators and Representatives, and that one copy be mailed to the President of the United States, the Vice-President and the Speaker of the House of Representatives, as representative of our reaction to the proposed legislation.

Signed: Moore, Holbrook, Rawlings, Head, Lemens, Weinert, Redditt, Woodruff, Burns, Nelson, Newton, Winfield, Neal, Cotten.

Question first recurring on the substitute for the resolution, yeas and nays were demanded.

The substitute was adopted by the following vote:

Yeas—22.

Brownlee.	Holbrook.
Burns.	Isbell.
Cotten.	Lemens.
Davis.	Moore.
Head.	Neal.
Hill.	Nelson.

Newton.	Stone.
Oneal.	Weinert.
Pace.	Westerfeld.
Redditt.	Winfield.
Roberts.	Woodruff.

Nays—3.

Aikin.	Small.
Collie.	

Absent—Excused.

Beck.	Sulak.
Spears.	Van Zandt.

Paired.

Senator Shivers (present), who would vote nay with Senator Rawlings (absent), who would vote yea.

Senator Brownlee moved the previous question on the resolution as substituted, and the main question was ordered.

Question then recurring on the resolution as substituted, yeas and nays were demanded.

The resolution as substituted was adopted by the following vote:

Yeas—22.

Brownlee.	Nelson.
Burns.	Newton.
Cotten.	Oneal.
Davis.	Pace.
Head.	Redditt.
Hill.	Roberts.
Holbrook.	Small.
Isbell.	Stone.
Lemens.	Weinert.
Moore.	Winfield.
Neal.	Woodruff.

Nays—3.

Aikin.	Westerfeld.
Collie.	

Absent—Excused.

Beck.	Sulak.
Spears.	Van Zandt.

Paired.

Senator Shivers (present), who would vote nay with Senator Rawlings (absent), who would vote yea.

Message from the Governor.

A secretary of the Governor appeared at the bar of the Senate and was recognized to present a message from the Governor, which was read to the Senate as follows:

Austin, Texas, February 9, 1937.
To the Members of the 45th Legislature:

1.

Your attention is again respectfully directed to the fact that the State Board of Control has made recommendations for increases in the various departments. I am also informed that a number of bills for salary increases are now pending; and I respectfully remind you that in my initial message to the Legislature I expressly stated that I did not join in these recommendations, other than for additional facilities for our insane asylums and eleemosynary institutions. At that time I urged upon you the necessity for the passage of tax bills to raise revenue for the purpose of:

A. Completely financing the present old age assistance program to August 31, 1937.

B. Financing old age assistance for the next biennium, the sum of \$1,600,000.00 each year.

C. Outlays to finance the other features of the social security law, such as aid to the blind, dependent children, etc.

D. Making income equal outgo from general revenue and wiping out the deficit in such fund.

I repeat these recommendations and the statement that I will not approve salary or other increases until and unless the Legislature provides additional taxes to pay same. We need to raise money to pay our present obligations before incurring new debts.

In order to eliminate any question as to hearings held, or to be held, and to facilitate the passage of these measures, I hereby submit to you the subject of revenue and taxation, particularly urging early passage of bills to substantially increase the tax on natural resources, franchise taxes and the other tax measures recommended in my initial message. The groups sponsoring salary and other increases should certainly join with us in speedily raising revenue necessary to pay such increases.

2.

In order to assure as certainly as possible that repeal of the race track gambling law will be voted upon at this session, to facilitate hearings and to place the subject on the cal-

endar, I also submit to you for emergency action my previous recommendation for the outright repeal of such law.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

Appointments Announced.

Pursuant to the provisions of S. C. R. No. 23, the President announced the appointment of the following committee on the part of the Senate:

Senators Davis and Weinert.

House Bills on First Reading.

The following bills, received from the House today, were read first time and referred to appropriate committees as indicated:

H. B. No. 150, to Committee on Public Lands and Land Office.

H. B. No. 293, to Committee on Agriculture.

H. B. No. 280, to Committee on Finance.

Senate Resolution No. 27.

Senator Small, by unanimous consent, offered the following resolution:

Whereas, This body has been advised that certain bills have been introduced in the Legislature of the State of Illinois, being Senate Bill No. 30 and House Bill No. 65, the purpose of which bills is to levy a tax of five cents (5¢) per one thousand cubic feet of natural gas distributed in that state, most if not all of which gas is transported from the Texas gas fields to the state of Illinois; and

Whereas, The levy and collection of these proposed taxes would result in the destruction of the business of those selling gas produced and transported from Texas to Illinois, the result of which would be to deprive hundreds of Texas citizens of their market for natural gas, and millions of citizens and many industries in Illinois of the enjoyment and conveniences of natural gas in their homes and business establishments; and

Whereas, The levy and collection of these taxes would result in placing a practically complete boycott against the sale of Texas gas in the State of Illinois which would create strong feeling among citizens of

Texas, and which probably would cause retaliatory steps to be taken against the sale of sizable amounts of products produced in Illinois, among which are meats and farm machinery for which Texas has long been a very extensive market, and thus result in a most undesirable situation from a standpoint of each of the States of Texas and Illinois; now, therefore, be it

Resolved by the Senate of Texas, That the Legislature of the great State of Illinois be respectfully advised, and their attention be called to the serious result of the levy and collection of the taxes provided for in the bills hereinabove mentioned with the hope that it will refrain from the levy and collection of any of the proposed taxes, and thus permit the great States of Texas and Illinois to continue their cordial relations and enjoy their most satisfactory commercial relations which they have had in the past years. Be it further

Resolved, That copies of this resolution be forwarded by the Secretary of the Senate of Texas respectively to the President of the Senate, the Speaker of the House, Chairman of the Senate Committee on Public Utilities, Chairman of the Senate Committee on Revenue, and the Chairman of the House Committee on Public Utilities and Transportation, Springfield, Illinois.

The resolution was read and by unanimous consent, it was considered at this time and was adopted.

Senate Bill No. 214 Ordered Printed.

On motion of Senator Stone, it was ordered that S. B. No. 214 be printed in advance of its consideration in committee.

Adjournment.

On motion of Senator Stone, the Senate, at 12:25 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

Reports of Standing Committees.

Committee Room,

Austin, Texas, Feb. 8, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir. We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 216, A bill to be entitled "An Act to amend Article 5550, Revised Civil Statutes of Texas, 1925, providing for causes to be docketed in judicial proceedings in cases of lunacy and providing that the County or District Attorney shall appear and represent the State on the hearing and the defendant shall be entitled to counsel and providing that in proper cases the County Judge may appoint counsel for that purpose and to add a provision under the terms of which the County Judge may allow in proper cases a fee to the counsel appointed to represent the defendant, repealing all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

NEAL, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 8, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 219, A bill to be entitled "An Act creating a more efficient special road law for Van Zandt County, Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Committee Room,

Austin, Texas, Feb. 9, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 23 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

TWENTIETH DAY.

(Wednesday, February 10, 1937.)

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin.
Brownlee.
Burns.
Collie.
Cotten.
Davis.
Head.
Hill.
Holbrook.
Isbell.
Lemens.
Moore.
Neal.

Nelson.
Newton.
Oneal.
Pace.
Rawlings.
Redditt.
Roberts.
Stone.
Sulak.
Weinert.
Westerfeld.
Winfield.

The following Senators were absent and excused:

Beck.
Shivers.
Small.

Spears.
Van Zandt.
Woodruff.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Aikin.

Leaves of Absence Granted.

Senator Small was granted leave of absence for today and the remainder of the week, on account of important business, on motion of Senator Moore.

Senator Woodruff was granted leave of absence for today, on account of important business, on motion of Senator Moore.

Senators Shivers and Beck were granted leave of absence for today, on account of important business, on motion of Senator Burns.

Senators Van Zandt and Spears were granted leave of absence for today, on account of important committee work, on motion of Senator Cotten.

Reports of Standing Committees.

Reports on House Bills Nos. 88, 268, 276, 89, 33, and 394 were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

Senate Bills on First Reading.

The following Senate bills were introduced, read severally first time, and referred to appropriate committees as indicated:

By Senator Collie:

S. B. No. 232, A bill to be entitled "An Act to amend Article 498, Chap-